

## TWENTIETH DAY

(Wednesday, February 8, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

|                   |                    |
|-------------------|--------------------|
| Mr. Speaker       | Gordon, Mrs.       |
| Allen             | Hale               |
| Allison           | Hamilton           |
| Alsup             | Hankamer           |
| Anderson          | Hardeman           |
| Bailey            | Hardin             |
| Baker             | Harp               |
| of Fort Bend      | Harper             |
| Baker of Grayson  | Harrell of Bastrop |
| Bell              | Harrell of Lamar   |
| Blankenship       | Harris             |
| Bond              | Hartzog            |
| Boyd              | Heflin             |
| Boyer             | Holland            |
| Bradbury          | Howard             |
| Bradford          | Howington          |
| Bray              | Hull               |
| Bridgers          | Hunt               |
| Broadfoot         | Isaacks            |
| Brown of Cherokee | Johnson of Ellis   |
| Brown             | Johnson of Tarrant |
| of Nacogdoches    | Keith              |
| Bundy             | Kennedy            |
| Burkett           | Kern               |
| Burney            | Kerr               |
| Cauthorn          | Kersey             |
| Celaya            | Kinard             |
| Chambers          | King               |
| Clark             | Langdon            |
| Cleveland         | Lehman             |
| Cockrell          | Leyendecker        |
| Coleman           | Little             |
| Colquitt          | Lock               |
| Colson, Mrs.      | Loggins            |
| Cornett           | London             |
| Corry             | Mays               |
| Crossley          | McAlister          |
| Daniel            | McDaniel           |
| Davis of Jasper   | McDonald           |
| Davis of Upshur   | McFarland          |
| Dean              | McMurry            |
| Derden            | McNamara           |
| Dickison          | Mohrmann           |
| Dickson           | Monkhouse          |
| Donaghey          | Montgomery         |
| Dowell            | Morris             |
| Dwyer             | Newell             |
| Faulkner          | Nicholson          |
| Felty             | Oliver             |
| Ferguson          | Olsen              |
| Fielden           | Pace               |
| Fuchs             | Petsch             |
| Galbreath         | Pevehouse          |
| Gilmer            | Piner              |

|                  |            |
|------------------|------------|
| Pope             | Stoll      |
| Ragsdale         | Talbert    |
| Reader of Bexar  | Tarwater   |
| Reader of Erath  | Taylor     |
| Reaves           | Tennant    |
| Reed             | Thornberry |
| Rhodes           | Thornton   |
| Riviere          | Turner     |
| Roach            | Vale       |
| Roberts          | Vint       |
| Robinson         | Voigt      |
| Russell          | Waggoner   |
| Schuenemann      | Weldon     |
| Segrist          | Wells      |
| Shell            | Westbrook  |
| Skiles           | White      |
| Smith of Frio    | Wilson     |
| Smith of Hopkins | Winfree    |
| Smith            | Wood       |
| of Matagorda     | Worley     |
| Spencer          | Wright     |
| Stinson          |            |

Absent—Excused

Goodman

Leonard

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, from day to day we are called to face great and difficult tasks. Conditions confront us that may well confuse the way of duty before us. May Thine omnipotent arm be beneath us to uphold, and may Thy divine Spirit be with us to clear our paths and give us light upon our duties. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Goodman for today, on motion of Mr. Pace.

Mr. Leonard for today, on motion of Mr. Reader of Bexar.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hardeman:

H. B. No. 457, A bill to be entitled "An Act to amend Article 46a of Title 3 of the Revised Civil Statutes of Texas of 1925 relating to petitions for adoption so as to provide for

hearings thereon during vacation of court, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Rhodes:

H. B. No. 458, A bill to be entitled "An Act levying a tax upon every person, firm, corporation, or association of persons, doing domestic or intrastate business within the State and engaging in the business of selling, manufacturing, purchasing, consigning, using, shipping, or distributing for the purpose of sale within this State any of the following articles or things, viz: soda water, ginger ale, coca-cola, lime cola, pepsi-cola, Dr. Pepper, and/or any and all bottled preparations commonly referred to as soft drinks, and all fountain drinks or other beverages and things commonly known as soft drinks, carbonic acid gas, carbon dioxide (CO<sub>2</sub>), or other chemical or gas which is used, intended to be used, or may be used for the carbonization of the beverages or drinks herein enumerated; fixing the liability for and prescribing the method of collecting and enforcing the payment of such tax; making an appropriation; allocating the revenues derived from such tax; providing penalties for the violation of this Act; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Vint:

H. B. No. 459, A bill to be entitled "An Act to amend Article 1965 of the Revised Civil Statutes as amended by Chapter 48, Acts, 1929, Forty-first Legislature, First Called Session, by providing the time for the County Judge to sign minutes of probate proceedings, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Vint and Mr. Fuchs:

H. B. No. 460, A bill to be entitled "An Act to provide that all Notaries Public shall print their names under their official signatures, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Vint:

H. B. No. 461, A bill to be entitled "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760) and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Davis of Upshur, Mr. Allison and Mr. Reed:

H. B. No. 462, A bill to be entitled "An Act creating a Board of Blacksmiths and Welders and prohibiting the practice of blacksmithing and welding without registration by the Board; providing for appointment of members of the Board; providing that the Board shall adopt reasonable and necessary rules and regulations; providing that the Board shall prosecute violations under this Act; providing compensation for members of the Board; providing that the Board shall examine and register applicants and adopt reasonable rules in this connection; providing qualifications for registration and examination; providing for the issuance of registration certificates; providing certain exceptions to the examination; providing for the filing and prosecution of appropriate judicial proceedings and providing for the prosecutor; providing for the payment of annual fees by persons practicing this profession; and providing certain penalties."

Referred to the Committee on State Affairs.

By Mr. Rhodes:

H. B. No. 463, A bill to be entitled "An Act to provide that auctioneers shall furnish bills of sale on any live stock sold at a public auction; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

By Mr. Rhodes and Mr. Harrell of Lamar:

H. B. No. 464, A bill to be entitled "An Act providing that a defendant

unable to pay the fine and costs adjudged against him for a misdemeanor may, for such time as will satisfy the judgment, be put to work in the work-house, farm or public improvements of the county as provided in Article 794 of the Code of Criminal Procedure, providing that if there be no such work-house, farm or improvements, such defendant shall be imprisoned for a sufficient length of time to discharge the amount of fine and costs adjudged against him, providing the rate for such labor or imprisonment at One (\$1.00) Dollar for each day thereof, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Lehman:

H. B. No. 465, A bill to be entitled "An Act amending Article 8306, Revised Civil Statutes of the State of Texas, Sections 7 and 7-a providing that an injured employee shall have the right to employ any physician or surgeon and to secure hospital services of his own choice; providing that such services shall be paid for at the expense of the Association; providing for notice to the Association of what physician has been employed and what hospital, if any, is being used; providing for such medical and hospital services during the first four weeks of injury; providing for the recovery of any amount paid for medical aid, hospital services, or medicines; providing for hospital and medical services during and subsequent to the fourth week of continuous total incapacity; providing that the Association may at its own expense have any injured employee examined by a physician or surgeon as a consultant of the physician or surgeon chosen by said employee; providing for the payment for the services of any such consultant, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Baker of Fort Bend:

H. B. No. 466, A bill to be entitled "An Act exempting from all State and county ad valorem and occupation taxes certain office buildings of Parents and Teachers Associations, pro-

viding a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hamilton and Mr. Pevehouse:

H. B. No. 467, A bill to be entitled "An Act making an emergency appropriation for Brandon Independent School District of Hill County, Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bray and Mr. Tennant:

H. B. No. 468, A bill to be entitled "An Act authorizing and empowering the Commissioners' Courts in Counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and a property valuation of more than One Hundred Million (\$100,000,000) Dollars, according to the last approved County Tax Rolls, to enter into contract and agreement with the governing bodies of municipalities within said Counties for the purpose of furnishing fire protection in such Counties outside of the corporate limits of said municipalities and to make appropriations for paying municipalities for such services."

Referred to the Committee on Counties.

By Mr. Ragsdale:

H. B. No. 469, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each County in Texas, having a population of not less than 29,750 nor more than 30,025, according to the last Federal Census; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Westbrook:

H. B. No. 470, A bill to be entitled "An Act amending Article 1460, Title 17, Chapter 12 of the Penal Code of the State of Texas, 1925, making it unlawful to mark or brand any unmarked or unbranded stock with a mark or brand not upon record, or to use any mark or brand or distinguishing device upon any animal not of record, or to record or attempt to record in any County of this State more than one such brand, mark or

device by any individual, affixing penalties therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Fielden:

H. B. No. 471, A bill to be entitled "An Act to require manufacturers of boots or shoes to stamp on the outside sole of said boots or shoes, where and by whom made and what substitute for leather, if any, was used; and to require the dealer in boots or shoes to stamp in like manner as above mentioned; providing that this Act shall not apply to the manufacture or sale of rubber boots or shoes or rubber or wood heels or steel shanks used in manufacturing shoes, and that this Act shall not apply to dealers unknowingly selling boots or shoes imperfectly stamped in violation of this Act; fixing penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Commerce and Manufactures.

#### BILL RE-REFERRED

Mr. Fuchs moved that House Bill No. 442 be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Examination of Comptroller's and Treasurer's Accounts.

The motion prevailed.

#### BILLS ORDERED NOT PRINTED

On motion of Mr. Ragsdale, House Bill No. 408 was ordered not printed.

On motion of Mr. Smith of Matagorda, Senate Bill No. 132 was ordered not printed.

#### PROVIDING FOR THE MIMEOGRAPHING OF CAPTIONS OF BILLS

Mr. Blankenship offered the following resolution:

H. S. R. No. 118, Providing for the mimeographing of captions of bills.

Whereas, The Members of the House of Representatives are in need of information showing the numbers of bills and their authors and their subjects that have been introduced and will be introduced; and

Whereas, There is not now any system or ready reference by which a Member of the House may deter-

mine what bills and resolutions have been introduced; and

Whereas, The Members are interested in this matter; and

Whereas, It has been the custom during the preceding Legislature for the Committee on Contingent Expenses to have mimeographed each day and placed on the desk of each Member a list of all bills introduced, showing the author, the number, and the caption of such bills; and, therefore be it

Resolved, That the Committee on Contingent Expenses be and is hereby directed to have mimeographed or printed and placed on the desk of each Member of the House of Representatives, a list of all bills introduced during this session showing the number of each bill, its author, and the caption of same, and that the Committee on Contingent Expenses be further instructed to have said list mimeographed and placed on each Member's desk each day hereafter during the Session of the Forty-sixth Legislature.

BLANKENSHIP,  
READER of Bexar,  
READER of Erath,  
BURKETT,  
KENNEDY,  
WELDON,  
SPENCER,  
McFARLAND,  
GOODMAN,  
DEAN,  
SEGRIST,  
WESTBROOK,  
OLIVER,  
RUSSELL,  
ROBERTS,  
McNAMARA,  
WILSON,  
RHODES,  
BRIDGERS,  
LEYENDECKER,  
McDONALD,  
LITTLE,  
VALE,  
DONAGHEY,  
KING,  
GORDON,  
NICHOLSON,  
BOYD,  
ISAACKS,  
JOHNSON of Ellis,  
HARDIN,  
WELLS,  
WHITE,  
DANIEL,  
TENNANT,  
LANGDON,

FERGUSON,  
 FIELDEN,  
 LEHMAN,  
 BROADFOOT,  
 NEWELL,  
 CORRY,  
 SHELL,  
 LOCK,  
 WAGGONER,  
 HARPER,  
 COLQUITT,  
 FAULKNER,  
 BELL,  
 THORNBERRY,  
 JOHNSON of Tarrant,  
 BOND,  
 MOHRMANN,  
 McMURRY,  
 HALE,  
 BURNEY,  
 ROBINSON,  
 McDANIEL,  
 McALISTER,  
 BRADFORD.

The resolution was read second time.

Mr. Fuchs moved that the resolution be referred to the Committee on Contingent Expenses.

Mr. Blankenship moved to table the motion to refer.

The motion to table prevailed.

Question then recurring on the resolution, it was adopted.

#### TO PROVIDE THAT CERTAIN BILLS BE GIVEN PREFER- ENCE IN THE HOUSE

Mr. Pace offered the following resolution:

H. S. R. No. 119, To provide that certain measures be given preference in the House.

Whereas, The outstanding and most pressing issue in the last political campaign was the question of Old Age Assistance; and

Whereas, Practically every Member elected to this Legislature stands committed not only by his own pledges but by the vote of the people to the enactment of legislation to that end; and

Whereas, The Governor of this State elected at that time pledged himself to secure such assistance to all persons over the age of 65 as named in the Constitutional Amendment authorizing the Legislature to provide such assistance; and

Whereas, All revenue measures must originate in the House; therefore, be it

Resolved, That all tax measures looking to the raising of revenue with which to pay such assistance be given preferred consideration, and that this House take up and dispose of such measures and raise such revenue before it acts on other matters.

The resolution was read second time.

The resolution was referred, by the Speaker, to the Committee on Rules.

#### RELATIVE TO HOUSE BILL NO. 74

By unanimous consent of the House, Mr. Faulkner was authorized to withdraw his name from House Bill No. 74, as co-author of same.

#### RELATIVE TO HOUSE BILL NO. 203

By unanimous consent of the House, Mr. Cleveland was authorized to withdraw his name from House Bill No. 203, as co-author of same.

#### CONCERNING BILLS RELATIVE TO OLD AGE ASSISTANCE

Mr. Westbrook offered the following resolution:

H. S. R. No. 120, Concerning bills relative to old age assistance.

Whereas, The constitutional amendment ratified by the people by a 4 to 1 majority, the granting of old age assistance under proper statutes and regulations therefor, together with laws furnishing revenues and support became, and is the mandatory obligation of this Legislature; and

Whereas, The Governor has heretofore submitted, as an emergency measure, the financing of old age assistance; and

Whereas, There are many bills now before committees of this House dealing with the subject of old age assistance; and

Whereas, About 30 days of this session has passed and none of such bills have been reported from committees, and no opportunity has been given to this House to formulate proper laws carrying out the suggestion of the Governor on that subject; and

Whereas, Many of the aged, needy people of this State are in dire distress, and looking longingly and prayerfully to the actions of this body as their lawmakers; and

Whereas, No more urgent measure could possibly be considered by this

Legislature than one carrying out the constitutional mandate heretofore mentioned, and carrying out the Democratic platform pledge of our party, and putting into effect the pledge of the large majority of this body than the consideration and final passage carrying provisions for old age assistance; now, therefore, be it

Resolved by the House of Representatives, That the chairman of the various committees having under consideration measures to accomplish the above purposes report back to this House for consideration some bill, or bills carrying out the above suggestions not later than next Tuesday, February 14th, 1939 at 10 a. m.

The resolution was read second time.

(Pending consideration of the resolution by Mr. Westbrook, Mr. Hartzog occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Thornton raised a point of order, on further consideration of the resolution, at this time, on the ground that the resolution is vague and indefinite in that it does not specify any particular bill.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 360 WITH SENATE AMENDMENTS

Mr. Brown of Cherokee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Brown of Cherokee, the House concurred in the Senate amendments by the following vote:

Yeas—133

Allison

Alsop

|                    |                  |
|--------------------|------------------|
| Bailey             | Kern             |
| Baker              | Kerr             |
| of Fort Bend       | Kersey           |
| Baker of Grayson   | Kinard           |
| Bell               | King             |
| Blankenship        | Langdon          |
| Bond               | Lehman           |
| Boyd               | Leyendecker      |
| Boyer              | Little           |
| Bradbury           | Lock             |
| Bradford           | Loggins          |
| Bray               | London           |
| Bridgers           | Mays             |
| Brown of Cherokee  | McAlister        |
| Brown              | McDaniel         |
| of Nacogdoches     | McDonald         |
| Bundy              | McFarland        |
| Burkett            | McMurry          |
| Burney             | McNamara         |
| Celaya             | Mohrmann         |
| Clark              | Monkhouse        |
| Cleveland          | Montgomery       |
| Cockrell           | Morris           |
| Coleman            | Newell           |
| Colquitt           | Nicholson        |
| Colson, Mrs.       | Oliver           |
| Cornett            | Olsen            |
| Corry              | Pace             |
| Crossley           | Pevehouse        |
| Daniel             | Piner            |
| Davis of Upshur    | Reader of Bexar  |
| Derden             | Reader of Erath  |
| Dickison           | Reaves           |
| Dickson            | Reed             |
| Donaghey           | Rhodes           |
| Dowell             | Riviere          |
| Dwyer              | Roach            |
| Faulkner           | Roberts          |
| Felty              | Robinson         |
| Ferguson           | Russell          |
| Fielden            | Schuenemann      |
| Fuchs              | Segrist          |
| Galbreath          | Shell            |
| Gilmer             | Skiles           |
| Gordon, Mrs.       | Smith of Hopkins |
| Hale               | Smith            |
| Hamilton           | of Matagorda     |
| Hankamer           | Spencer          |
| Hardeman           | Stinson          |
| Hardin             | Stoll            |
| Harp               | Talbert          |
| Harper             | Tarwater         |
| Harrell of Bastrop | Taylor           |
| Harrell of Lamar   | Tennant          |
| Heflin             | Thornberry       |
| Holland            | Thornton         |
| Howard             | Turner           |
| Howington          | Vale             |
| Hunt               | Vint             |
| Isaacks            | Voigt            |
| Johnson of Ellis   | Waggoner         |
| Johnson of Tarrant | Weldon           |
| Keith              | Wells            |
| Kennedy            |                  |

Westbrook  
White  
Wilson  
Winfree

Wood  
Worley  
Wright

Nays—1

Allen

Present—Not Voting

Broadfoot

Absent

Anderson  
Cauthorn  
Chambers  
Davis of Jasper  
Dean  
Harris

Hartzog  
Hull  
Petsch  
Pope  
Ragsdale  
Smith of Frio

Absent—Excused

Goodman

Leonard

# PROVIDING FOR COMMITTEE TO INVESTIGATE PRISON SYSTEM OF TEXAS

Mr. Russell offered the following resolution:

H. C. R. No. 31, Providing for committee to investigate Prison System of Texas.

Whereas, On the 7th day of February, 1939, his excellency, the Governor of Texas, the Hon. W. Lee O'Daniel recommended to the Legislature that a committee be appointed to make a study of the operation of the Prison System of Texas and a said committee be instructed to report back to the Legislature within 60 days submitting its definite recommendations as to how convict labor may best be employed; how the business management of the Prison System may be improved to the end that the expense to the tax payers of this State of maintaining the Prison System may be reduced; and

Whereas, He further recommended to the Legislature that such committees be composed of the Chairman of a Committee on the Penitentiaries in the Senate, the Chairman of the Committee on the Penitentiaries in the House, two businessmen appointed by the Lieutenant Governor, two appointed by the Speaker of the House, and two appointed by the Governor; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature of the State of Texas, the Senate concurring, That we heartily in-

dorse his excellency, the Governor's recommendation and that the committee be composed of the Chairman of the Committee on the Penitentiaries in the Senate; the Chairman of the Committee on the Penitentiaries in the House; two businessmen to be appointed by the Lieutenant Governor; and that the Speaker of the House of Representatives appoint two Members of the House and that the Governor appoint two Members of said committee; and that said committee carry out and perform the duties as recommended by the Governor in his message to the Legislature.

RUSSELL,  
CHAMBERS,  
ROACH,  
BROADFOOT,  
FUCHS,  
ROBERTS.

The resolution was read second time.

On motion of Mr. Russell, the resolution was referred to the Committee on Penitentiaries.

# PROVIDING FOR COMMITTEE TO INVESTIGATE STATE PRISON SYSTEM

Mr. Wright offered the following resolution:

H. C. R. No. 32, Providing for committee to investigate State Prison System.

Whereas, On February 7, 1939, Governor W. Lee O'Daniel, in a message to the Legislature of Texas, suggested that a committee be appointed to make a survey of the Prison System in regard to the labor of convicts and the betterment of business conditions in order to improve said Prison System and make recommendations back to this Legislature within sixty days as to their findings as outlined in the Governor's message on February 7.

Therefore, Be It Resolved, That the House of Representatives and Senate concurring, that the Chairman of the Committee on Penitentiaries in the House, and the Chairman of the Committee on Penitentiaries in the Senate be appointed to said Committee, and that the Speaker of the House, the Lieutenant Governor, and the Governor of Texas are hereby authorized to appoint two citizens each to be on said Committee, and it is further

ordered that said members are hereby authorized to inspect and examine any and all records of the Prison System, examine any official or employee of said System, and to inspect and examine the conditions under which the inmates live and work, and are hereby authorized to employ a competent reporter to record the proceedings of said Committee and be paid out of said contingent expense funds of this Legislature upon a warrant drawn by said Chairman of said Committee approved by the Speaker of the House and Lieutenant Governor and said Committee is given the power to swear and subpoena witnesses and the same powers are hereby conferred upon said Committee that are now conferred upon the District Courts of this State with reference to subpoenaing and swearing witnesses.

And said committee members are hereby paid for actual and necessary expenses upon a sworn itemized statement which shall be approved by the Speaker of the House and the Lieutenant Governor upon said approval by the Comptroller of this State shall issue a warrant to said member of said expenses.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was referred to the Committee on Penitentiaries.

#### SENATE BILL NO. 132 ON SECOND READING

Mr. Smith of Matagorda moved that all necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 132 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

|                  |                   |
|------------------|-------------------|
| Allison          | Bridgers          |
| Alsup            | Broadfoot         |
| Baker            | Brown of Cherokee |
| of Fort Bend     | Brown             |
| Baker of Grayson | of Nacogdoches    |
| Blankenship      | Bundy             |
| Bond             | Burkett           |
| Boyd             | Burney            |
| Boyer            | Cauthorn          |
| Bradbury         | Celaya            |
| Bradford         | Chambers          |
| Bray             | Clark             |

|                    |                  |
|--------------------|------------------|
| Cleveland          | London           |
| Cockrell           | McAlister        |
| Coleman            | McDaniel         |
| Colquitt           | McDonald         |
| Colson, Mrs.       | McFarland        |
| Cornett            | McMurry          |
| Corry              | McNamara         |
| Crossley           | Monkhouse        |
| Daniel             | Montgomery       |
| Davis of Jasper    | Newell           |
| Davis of Upshur    | Nicholson        |
| Dean               | Oliver           |
| Derden             | Olsen            |
| Dickson            | Petsch           |
| Donaghey           | Pevehouse        |
| Dowell             | Pope             |
| Dwyer              | Ragsdale         |
| Faulkner           | Reader of Bexar  |
| Ferguson           | Reader of Erath  |
| Fielden            | Reaves           |
| Fuchs              | Reed             |
| Galbreath          | Rhodes           |
| Gilmer             | Riviere          |
| Gordon, Mrs.       | Roach            |
| Hale               | Roberts          |
| Hamilton           | Robinson         |
| Hankamer           | Russell          |
| Hardeman           | Schuenemann      |
| Hardin             | Segrist          |
| Harp               | Shell            |
| Harper             | Smith of Frio    |
| Harrell of Bastrop | Smith of Hopkins |
| Harrell of Lamar   | Smith            |
| Harris             | of Matagorda     |
| Hartzog            | Spencer          |
| Heflin             | Stinson          |
| Holland            | Stoll            |
| Howard             | Talbert          |
| Howington          | Tarwater         |
| Hunt               | Tennant          |
| Isaacks            | Thornberry       |
| Keith              | Thornton         |
| Kennedy            | Turner           |
| Kern               | Vint             |
| Kerr               | Voigt            |
| Kersey             | Waggoner         |
| Kinard             | Weldon           |
| King               | Wells            |
| Langdon            | White            |
| Lehman             | Wilson           |
| Leyendecker        | Winfree          |
| Little             | Wood             |
| Lock               | Worley           |
| Loggins            |                  |

Nays—1

Allen

Absent

|          |                    |
|----------|--------------------|
| Anderson | Hull               |
| Bailey   | Johnson of Ellis   |
| Bell     | Johnson of Tarrant |
| Dickison | Mays               |
| Felty    | Mohrmann           |

|        |           |
|--------|-----------|
| Morris | Taylor    |
| Pace   | Vale      |
| Piner  | Westbrook |
| Skiles | Wright    |

Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 132, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in counties having a population of not less than seventeen thousand, six hundred (17,600) and not more than seventeen thousand, seven hundred (17,700), according to the United States Census of 1930; providing for the levying of a direct tax of not more than Ten Cents on the valuation of One Hundred (\$100.00) Dollars, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 132 ON THIRD READING

The Speaker then laid Senate Bill No. 132 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

|                   |                 |
|-------------------|-----------------|
| Allison           | Clark           |
| Alsup             | Cleveland       |
| Baker             | Cockrell        |
| of Fort Bend      | Coleman         |
| Baker of Grayson  | Colquitt        |
| Blankenship       | Colson, Mrs.    |
| Bond              | Cornett         |
| Boyd              | Corry           |
| Boyer             | Crossley        |
| Bradbury          | Daniel          |
| Bradford          | Davis of Jasper |
| Bray              | Davis of Upshur |
| Bridgers          | Derden          |
| Broadfoot         | Dickison        |
| Brown of Cherokee | Dickson         |
| Brown             | Dowell          |
| of Nacogdoches    | Dwyer           |
| Bundy             | Faulkner        |
| Burkett           | Ferguson        |
| Burney            | Fielden         |
| Cauthorn          | Fuchs           |
| Celaya            | Galbreath       |
| Chambers          | Gilmer          |

|                    |                  |
|--------------------|------------------|
| Gordon, Mrs.       | Nicholson        |
| Hale               | Oliver           |
| Hamilton           | Olsen            |
| Hankamer           | Petsch           |
| Hardeman           | Pevehouse        |
| Hardin             | Pope             |
| Harp               | Ragsdale         |
| Harper             | Reader of Bexar  |
| Harrell of Bastrop | Reader of Erath  |
| Harrell of Lamar   | Reed             |
| Harris             | Rhodes           |
| Hartzog            | Riviere          |
| Heflin             | Roach            |
| Holland            | Roberts          |
| Howard             | Robinson         |
| Howington          | Russell          |
| Hunt               | Schuenemann      |
| Isaacks            | Segrist          |
| Keith              | Shell            |
| Kennedy            | Smith of Frio    |
| Kern               | Smith of Hopkins |
| Kerr               | Smith            |
| Kersey             | of Matagorda     |
| Kinard             | Spencer          |
| King               | Stinson          |
| Langdon            | Stoll            |
| Lehman             | Talbert          |
| Leyendecker        | Tennant          |
| Little             | Thornberry       |
| Lock               | Thornton         |
| Loggins            | Turner           |
| London             | Vint             |
| McAlister          | Voigt            |
| McDaniel           | Waggoner         |
| McDonald           | Weldon           |
| McFarland          | Wells            |
| McMurry            | White            |
| McNamara           | Wilson           |
| Monkhouse          | Winfree          |
| Montgomery         | Wood             |
| Morris             | Worley           |
| Newell             | Wright           |

Nays—2

Allen

Reaves

Present—Not Voting

Westbrook

Absent

|                    |          |
|--------------------|----------|
| Anderson           | Mays     |
| Bailey             | Mohrmann |
| Bell               | Pace     |
| Dean               | Piner    |
| Donaghey           | Skiles   |
| Felty              | Tarwater |
| Hull               | Taylor   |
| Johnson of Ellis   | Vale     |
| Johnson of Tarrant |          |

Absent—Excused

Goodman

Leonard

## MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1939.  
Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 29, Authorizing the State Highway Department to lend certain equipment to Grimes County.

H. B. No. 209, A bill to be entitled "An Act to validate, ratify, approve confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts. . . etc., and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas (1925) by adding a new Article to be known as Article 5139A providing for the establishment of a Juvenile Board in counties having a population of 64,000 inhabitants and not more than 65,000 . . . etc., and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act to validate all County Line Independent Rural High School Districts partly situated in three (3) counties, the supervision of said schools being located in counties having a population of not less than 11,412 nor more than 11,900 . . . etc., providing a saving clause, and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act to amend Section 1 of Article 2691b, Chapter XI, Title 49 of the Revised Civil Statutes, as enacted by the First Called Session of the Forty-second Legislature, and being found in the Acts of 1931, Chapter XXXIX, at page 83 by providing for the addition thereto of Lamar County, and declaring an emergency."

H. B. No. 276, A bill to be entitled "An Act to prohibit the use of any trap, seine, or net of any kind for taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas, for a period of three years from and after the effective date of this Act, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

## HOUSE BILL NO. 24 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 24, A bill to be entitled "An Act making an appropriation of Twenty Thousand (\$20,000.00) Dollars to be used by the Attorney General of Texas for the purpose of paying expenses and costs in enforcing the laws of Texas against trusts, monopolies and restraints of trade, including the pending suit against various cement manufacturers; providing for the approval of vouchers against said appropriation, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Hardin moved that House Bill No. 24 be tabled.

(Pending consideration of the motion by Mr. Hardin, Mr. Harrell of Lamar occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question recurring on the motion by Mr. Hardin that House Bill No. 24 be tabled, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74

|                 |                    |
|-----------------|--------------------|
| Allen           | Harper             |
| Anderson        | Harris             |
| Bailey          | Hartzog            |
| Bond            | Heflin             |
| Boyer           | Howard             |
| Bradford        | Howington          |
| Bridgers        | Hull               |
| Bundy           | Hunt               |
| Celaya          | Johnson of Ellis   |
| Chambers        | Johnson of Tarrant |
| Cockrell        | Kinard             |
| Coleman         | Lehman             |
| Colquitt        | Leyendecker        |
| Davis of Jasper | Little             |
| Derden          | Loggins            |
| Dickison        | McAlister          |
| Dickson         | McDaniel           |
| Dwyer           | McMurry            |
| Felty           | McNamara           |
| Ferguson        | Montgomery         |
| Fielden         | Newell             |
| Colson, Mrs.    | Nicholson          |
| Hale            | Oliver             |
| Hamilton        | Olsen              |
| Hankamer        | Pace               |
| Hardin          | Pevehouse          |
| Harp            | Pope               |

|                 |           |
|-----------------|-----------|
| Reader of Bexar | Taylor    |
| Reader of Erath | Tennant   |
| Reaves          | Thornton  |
| Reed            | Vale      |
| Rhodes          | Voigt     |
| Riviere         | Weldon    |
| Robinson        | Westbrook |
| Schuenemann     | Wilson    |
| Shell           | Wood      |
| Stoll           | Wright    |

Yeas—67

|                    |                  |
|--------------------|------------------|
| Allison            | Keith            |
| Alsup              | Kennedy          |
| Baker              | Kern             |
| of Fort Bend       | Kerr             |
| Baker of Grayson   | Kersey           |
| Bell               | King             |
| Blankenship        | Langdon          |
| Boyd               | Lock             |
| Bradbury           | London           |
| Bray               | Mays             |
| Broadfoot          | McDonald         |
| Brown of Cherokee  | McFarland        |
| Brown              | Mohrmann         |
| of Nacogdoches     | Morris           |
| Burkett            | Petsch           |
| Burney             | Piner            |
| Cauthorn           | Roach            |
| Clark              | Roberts          |
| Cleveland          | Russell          |
| Cornett            | Segrist          |
| Corry              | Skiles           |
| Crossley           | Smith of Frio    |
| Daniel             | Smith of Hopkins |
| Davis of Upshur    | Spencer          |
| Dean               | Stinson          |
| Donaghey           | Talbert          |
| Dowell             | Tarwater         |
| Fuchs              | Thornberry       |
| Galbreath          | Turner           |
| Gilmer             | Vint             |
| Hardeman           | Waggoner         |
| Harrell of Bastrop | Wells            |
| Harrell of Lamar   | White            |
| Holland            | Worley           |
| Isaacks            |                  |

Present—Not Voting

Gordon, Mrs.

Absent

|           |              |
|-----------|--------------|
| Faulkner  | Smith        |
| Monkhouse | of Matagorda |
| Ragsdale  | Winfree      |

Absent—Excused

Goodman Leonard

## REASON FOR VOTE

Identical bids on cement demand an investigation of monopoly.

SPENCER.

## HOUSE BILL NO. 284 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 284, A bill to be entitled "An Act providing that all bonds for road construction purposes which have been heretofore issued and sold by counties with a population of not less than thirty-two thousand and four hundred and not more than thirty-two thousand and eight hundred people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

The bill was read third time.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 284, by adding after the words "people" in line 5, Section 1, the following: "and counties having a population of not less than 22,090 nor more than 23,000, and not less than 15,555 nor more than 15,560, and not less than 14,461 nor more than 14,465 and not less than 10,262 nor more than 10,270."

The amendment was lost.

Mr. Blankenship offered the following amendment to the bill:

Amend House Bill No. 284, by adding after the word "people," the following: "Not less than 320,000 nor more than 350,000."

The amendment was lost.

House Bill No. 284 failed to pass by the following vote:

Yeas—67

|                   |                 |
|-------------------|-----------------|
| Allison           | Bundy           |
| Alsup             | Burkett         |
| Baker of Grayson  | Cleveland       |
| Bell              | Cockrell        |
| Blankenship       | Cornett         |
| Boyd              | Crossley        |
| Boyer             | Daniel          |
| Bradbury          | Davis of Jasper |
| Bray              | Dickison        |
| Brown of Cherokee | Faulkner        |

|                    |               |
|--------------------|---------------|
| Ferguson           | McDonald      |
| Fielden            | McMurry       |
| Galbreath          | Morris        |
| Hale               | Olsen         |
| Hamilton           | Piner         |
| Hardin             | Pope          |
| Harp               | Ragsdale      |
| Harper             | Reed          |
| Hartzog            | Riviere       |
| Holland            | Roach         |
| Hull               | Skiles        |
| Johnson of Ellis   | Smith of Frio |
| Johnson of Tarrant | Spencer       |
| Keith              | Talbert       |
| Kennedy            | Tarwater      |
| Kern               | Taylor        |
| Kerr               | Tennant       |
| Kersey             | Thornberry    |
| King               | Voigt         |
| Langdon            | Weldon        |
| Lehman             | Wood          |
| Leyendecker        | Worley        |
| Little             | Wright        |
| Lock               |               |

## Nays—71

|                    |                  |
|--------------------|------------------|
| Allen              | Mays             |
| Bailey             | McAlister        |
| Baker              | McDaniel         |
| of Fort Bend       | McFarland        |
| Bond               | McNamara         |
| Bradford           | Mohrmann         |
| Bridgers           | Monkhouse        |
| Broadfoot          | Montgomery       |
| Brown              | Newell           |
| of Nacogdoches     | Nicholson        |
| Burney             | Oliver           |
| Celaya             | Pace             |
| Chambers           | Petsch           |
| Clark              | Pevehouse        |
| Coleman            | Reader of Bexar  |
| Colquitt           | Reader of Erath  |
| Colson, Mrs.       | Reaves           |
| Corry              | Rhodes           |
| Davis of Upshur    | Roberts          |
| Derden             | Robinson         |
| Dickson            | Russell          |
| Donaghey           | Schuenemann      |
| Dowell             | Segrist          |
| Felty              | Shell            |
| Fuchs              | Smith of Hopkins |
| Gilmer             | Stinson          |
| Gordon, Mrs.       | Stoll            |
| Hankamer           | Thornton         |
| Harrell of Bastrop | Turner           |
| Harrell of Lamar   | Vale             |
| Harris             | Vint             |
| Heflin             | Waggoner         |
| Howington          | Wells            |
| Hunt               | Westbrook        |
| Isaacks            | Wilson           |
| Kinard             | Winfree          |
| London             |                  |

## Absent

|          |              |
|----------|--------------|
| Anderson | Howard       |
| Cauthorn | Loggins      |
| Dean     | Smith        |
| Dwyer    | of Matagorda |
| Hardeman | White        |

## Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

## HOUSE BILL NO. 47 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 47, A bill to be entitled "An Act to amend Article 2462, Revised Civil Statutes of 1925 as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, as amended by Act of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor, and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation, and declaring an emergency."

The bill was read second time.

Mr. Galbreath offered the following committee amendments to the bill:

Amend House Bill No. 47, Section 1, line 8, where the figures and words "fifty (50%) per cent" appear making same read "fifteen (15%) per cent"; and on the same line after the word "its" strike out the word "unimpaired".

Amend House Bill No. 47, Section 1, by inserting a comma (,) in place of a period (.) after the word "law" in line 11 and add the following words: "providing that ten (10%) per cent per annum be the maximum rate of interest on loans and such rate of interest shall include all charges of any nature".

Amend House Bill No. 47, by striking out the word "unimpaired" at the end of the fifth line on page 2 of the typewritten bill.

Amend House Bill No. 47, by inserting a comma (,) after the word "loans" at the end of the last line of Section 1, on page 2 of the typewritten bill and inserting thereafter the following: "nor shall any such loans be in excess of five (5%) per cent of capital and surplus of the lending union, in any of the above named organizations and classes of securities".

Amend House Bill No. 47, by inserting a comma (,) after the word "thereof" on line 2, page 3 of the typewritten bill and add thereafter the following: "or upon a vote of two-thirds ( $\frac{2}{3}$ ) of the members of the credit union".

The amendments were severally adopted.

Mr. Reed offered the following amendment to the bill:

Amend House Bill No. 47, page 4, line 1, by striking out the word "unimpaired", or wherever it appears in said bill.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 47 was then passed to engrossment.

#### HOUSE BILL NO. 47 ON THIRD READING

Mr. Reed moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Allen  
Allison

Alsup  
Anderson

|                    |                  |
|--------------------|------------------|
| Bailey             | Kern             |
| Baker              | Kerr             |
| of Fort Bend       | Kersey           |
| Baker of Grayson   | Kinard           |
| Bell               | King             |
| Bond               | Langdon          |
| Boyd               | Lehman           |
| Boyer              | Leyendecker      |
| Bradbury           | Little           |
| Bradford           | Lock             |
| Bray               | Loggins          |
| Bridgers           | London           |
| Broadfoot          | Mays             |
| Brown of Cherokee  | McAlister        |
| Brown              | McDaniel         |
| of Nacogdoches     | McDonald         |
| Burkett            | McFarland        |
| Burney             | McMurry          |
| Cauthorn           | McNamara         |
| Chambers           | Mohrmann         |
| Clark              | Monkhouse        |
| Cleveland          | Montgomery       |
| Cockrell           | Morris           |
| Coleman            | Newell           |
| Colquitt           | Nicholson        |
| Colson, Mrs.       | Oliver           |
| Cornett            | Olsen            |
| Corry              | Pace             |
| Crossley           | Petsch           |
| Daniel             | Pevehouse        |
| Davis of Jasper    | Piner            |
| Davis of Upshur    | Pope             |
| Derden             | Ragsdale         |
| Dickison           | Reader of Bexar  |
| Dickson            | Reader of Erath  |
| Donaghey           | Reaves           |
| Dowell             | Reed             |
| Faulkner           | Rhodes           |
| Felty              | Riviere          |
| Ferguson           | Roach            |
| Fielden            | Roberts          |
| Fuchs              | Robinson         |
| Galbreath          | Russell          |
| Gilmer             | Schuenemann      |
| Hale               | Segrist          |
| Hamilton           | Shell            |
| Hankamer           | Skiles           |
| Hardeman           | Smith of Frio    |
| Hardin             | Smith of Hopkins |
| Harp               | Spencer          |
| Harper             | Stinson          |
| Harrell of Bastrop | Stoll            |
| Harrell of Lamar   | Talbert          |
| Hartzog            | Tarwater         |
| Heflin             | Taylor           |
| Holland            | Tennant          |
| Howard             | Thornberry       |
| Howington          | Thornton         |
| Hunt               | Turner           |
| Isaacks            | Vale             |
| Johnson of Ellis   | Vint             |
| Johnson of Tarrant | Voigt            |
| Keith              | Waggoner         |
| Kennedy            |                  |

|        |         |
|--------|---------|
| Weldon | Winfree |
| Wells  | Wood    |
| White  | Worley  |
| Wilson | Wright  |

## Absent

|              |              |
|--------------|--------------|
| Blankenship  | Harris       |
| Bundy        | Hull         |
| Celaya       | Smith        |
| Dean         | of Matagorda |
| Dwyer        | Westbrook    |
| Gordon, Mrs. |              |

## Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

The Speaker then laid House Bill No. 47 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—133

|                   |                    |
|-------------------|--------------------|
| Allen             | Donaghey           |
| Allison           | Dowell             |
| Alsup             | Faulkner           |
| Anderson          | Felty              |
| Bailey            | Ferguson           |
| Baker             | Fielden            |
| of Fort Bend      | Fuchs              |
| Baker of Grayson  | Galbreath          |
| Bell              | Gilmer             |
| Bond              | Gordon, Mrs.       |
| Boyd              | Hale               |
| Boyer             | Hamilton           |
| Bradbury          | Hankamer           |
| Bradford          | Hardeman           |
| Bray              | Hardin             |
| Bridgers          | Harp               |
| Broadfoot         | Harper             |
| Brown of Cherokee | Harrell of Bastrop |
| Brown             | Harrell of Lamar   |
| of Nacogdoches    | Heflin             |
| Bundy             | Holland            |
| Burkett           | Howard             |
| Burney            | Howington          |
| Cauthorn          | Hull               |
| Chambers          | Hunt               |
| Clark             | Isaacks            |
| Cleveland         | Johnson of Ellis   |
| Cockrell          | Johnson of Tarrant |
| Coleman           | Keith              |
| Colquitt          | Kennedy            |
| Colson, Mrs.      | Kern               |
| Cornett           | Kerr               |
| Corry             | Kersey             |
| Crossley          | Kinard             |
| Daniel            | King               |
| Davis of Jasper   | Langdon            |
| Davis of Upshur   | Lehman             |
| Derden            | Leyendecker        |
| Dickison          | Little             |
| Dickson           |                    |

|                 |                  |
|-----------------|------------------|
| Lock            | Robinson         |
| Loggins         | Russell          |
| London          | Schuenemann      |
| Mays            | Segrist          |
| McAlister       | Skiles           |
| McDaniel        | Smith of Frio    |
| McDonald        | Smith of Hopkins |
| McFarland       | Spencer          |
| McMurry         | Stinson          |
| Mohrmann        | Stoll            |
| Monkhouse       | Talbert          |
| Montgomery      | Tarwater         |
| Morris          | Taylor           |
| Newell          | Tennant          |
| Nicholson       | Thornberry       |
| Oliver          | Thornton         |
| Olsen           | Turner           |
| Pace            | Vale             |
| Petsch          | Vint             |
| Pevehouse       | Waggoner         |
| Piner           | Weldon           |
| Reader of Bexar | Wells            |
| Reader of Erath | White            |
| Reed            | Wilson           |
| Rhodes          | Winfree          |
| Riviere         | Wood             |
| Roach           | Worley           |
| Roberts         | Wright           |

## Nays—1

## Reaves

## Absent

|             |              |
|-------------|--------------|
| Blankenship | Pope         |
| Celaya      | Ragsdale     |
| Dean        | Shell        |
| Dwyer       | Smith        |
| Harris      | of Matagorda |
| Hartzog     | Voigt        |
| McNamara    | Westbrook    |

## Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

## MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 192, A bill to be entitled "An Act amending Article 2350 (4) of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 277, Acts of the Forty-fifth Legislature of Texas, Regular Session."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## SEPECIAL ORDER SET

Mr. Dean moved that House Bill No. 194 be set for special order at 11:00 o'clock a. m., next Tuesday.

The motion prevailed.

## HOUSE BILL NO. 311 ON SECOND READING

On motion of Mr. Keith, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended, at this time, for the purpose of considering House Bill No. 311.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 311 ON THIRD READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

|                   |                 |
|-------------------|-----------------|
| Allen             | Cockrell        |
| Allison           | Coleman         |
| Alsup             | Colquitt        |
| Baker             | Colson, Mrs.    |
| of Fort Bend      | Cornett         |
| Baker of Grayson  | Crossley        |
| Bell              | Daniel          |
| Blankenship       | Davis of Upshur |
| Bond              | Derden          |
| Boyd              | Dickison        |
| Boyer             | Dickson         |
| Bradbury          | Donaghey        |
| Bradford          | Dowell          |
| Bray              | Faulkner        |
| Bridgers          | Felty           |
| Broadfoot         | Ferguson        |
| Brown of Cherokee | Fuchs           |
| Brown             | Galbreath       |
| of Nacogdoches    | Gilmer          |
| Bundy             | Gordon, Mrs.    |
| Burkett           | Hale            |
| Burney            | Hamilton        |
| Cauthorn          | Hankamer        |
| Chambers          | Hardeman        |
| Clark             | Hardin          |
| Cleveland         | Harp            |

|                    |                 |
|--------------------|-----------------|
| Harper             | Petsch          |
| Harrell of Bastrop | Pevehouse       |
| Harrell of Lamar   | Piner           |
| Harris             | Pope            |
| Hartzog            | Ragsdale        |
| Heflin             | Reader of Bexar |
| Holland            | Reader of Erath |
| Howard             | Reaves          |
| Howington          | Reed            |
| Hull               | Rhodes          |
| Hunt               | Riviere         |
| Isaacks            | Roach           |
| Johnson of Ellis   | Roberts         |
| Johnson of Tarrant | Robinson        |
| Keith              | Russell         |
| Kennedy            | Segrist         |
| Kern               | Smith of Frio   |
| Kerr               | Smith           |
| Kersey             | of Matagorda    |
| Kinard             | Spencer         |
| King               | Stinson         |
| Langdon            | Stoll           |
| Lehman             | Talbert         |
| Leyendecker        | Tarwater        |
| Little             | Taylor          |
| Lock               | Tennant         |
| Loggins            | Thornberry      |
| Mays               | Thornton        |
| McAlister          | Turner          |
| McDaniel           | Vale            |
| McDonald           | Vint            |
| McFarland          | Voigt           |
| McMurry            | Waggoner        |
| McNamara           | Weldon          |
| Mohrmann           | Wells           |
| Montgomery         | White           |
| Morris             | Wilson          |
| Newell             | Winfree         |
| Nicholson          | Wood            |
| Oliver             | Worley          |
| Olsen              | Wright          |

Nays—4

|        |                  |
|--------|------------------|
| Bailey | Pace             |
| Corry  | Smith of Hopkins |

Absent

|                 |             |
|-----------------|-------------|
| Anderson        | London      |
| Celaya          | Monkhouse   |
| Davis of Jasper | Schuenemann |
| Dean            | Shell       |
| Dwyer           | Skiles      |
| Fielden         | Westbrook   |

Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

The Speaker then laid House Bill No. 311 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—134

|                    |                    |
|--------------------|--------------------|
| Allen              | Heflin             |
| Allison            | Holland            |
| Alsup              | Howard             |
| Baker              | Howington          |
| of Fort Bend       | Hull               |
| Baker of Grayson   | Hunt               |
| Bell               | Isaacks            |
| Blankenship        | Johnson of Ellis   |
| Bond               | Johnson of Tarrant |
| Boyd               | Keith              |
| Boyer              | Kennedy            |
| Bradbury           | Kern               |
| Bradford           | Kerr               |
| Bray               | Kersey             |
| Bridgers           | Kinard             |
| Broadfoot          | King               |
| Brown of Cherokee  | Langdon            |
| Brown              | Lehman             |
| of Nacogdoches     | Leyendecker        |
| Bundy              | Little             |
| Burkett            | Lock               |
| Burney             | Loggins            |
| Cauthorn           | London             |
| Celaya             | Mays               |
| Chambers           | McAlister          |
| Clark              | McDaniel           |
| Cleveland          | McDonald           |
| Cockrell           | McFarland          |
| Coleman            | McMurry            |
| Colquitt           | McNamara           |
| Colson, Mrs.       | Mohrmann           |
| Cornett            | Montgomery         |
| Crossley           | Morris             |
| Daniel             | Newell             |
| Davis of Upshur    | Nicholson          |
| Dean               | Oliver             |
| Derden             | Petsch             |
| Dickison           | Pevehouse          |
| Dickson            | Piner              |
| Donaghey           | Ragsdale           |
| Dowell             | Reader of Bexar    |
| Dwyer              | Reader of Erath    |
| Faulkner           | Reaves             |
| Felty              | Reed               |
| Ferguson           | Rhodes             |
| Fuchs              | Riviere            |
| Galbreath          | Roach              |
| Gilmer             | Roberts            |
| Gordon, Mrs.       | Robinson           |
| Hale               | Russell            |
| Hamilton           | Schuenemann        |
| Hankamer           | Segrist            |
| Hardeman           | Shell              |
| Hardin             | Skiles             |
| Harp               | Smith of Frio      |
| Harper             | Spencer            |
| Harrell of Bastrop | Stinson            |
| Harrell of Lamar   | Stoll              |
| Harris             | Talbert            |
| Hartzog            |                    |

|            |         |
|------------|---------|
| Taylor     | Weldon  |
| Tennant    | Wells   |
| Thornberry | White   |
| Thornton   | Wilson  |
| Turner     | Winfree |
| Vale       | Wood    |
| Vint       | Worley  |
| Voigt      | Wright  |
| Waggoner   |         |

Nays—4

|        |                  |
|--------|------------------|
| Bailey | Pace             |
| Corry  | Smith of Hopkins |

Absent

|                 |              |
|-----------------|--------------|
| Anderson        | Pope         |
| Davis of Jasper | Smith        |
| Fielden         | of Matagorda |
| Monkhouse       | Tarwater     |
| Olsen           | Westbrook    |

Absent—Excused

|         |         |
|---------|---------|
| Goodman | Leonard |
|---------|---------|

#### HOUSE BILL NO. 65 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 65, A bill to be entitled "An Act amending Article 745, Revised Code of Criminal Procedure, of Texas, 1925, governing the taking of depositions without interrogatories in criminal cases; providing for the taking of same by a District Judge, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 65 pass to engrossment?

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 360, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law;

repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 395, "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen (7,015) and not less than six thousand, six hundred and eighty-five (6,685) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal and declaring an emergency."

H. B. No. 378, "An Act to amend Article 4494 of the Revised Civil Statutes of Texas, 1925, by adding 4494b to allow counties of certain size to lease their county hospitals, and declaring an emergency."

H. B. No. 324, "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 325, "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

H. B. No. 264, "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session."

H. B. No. 293, "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road

Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 77, "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5c) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

#### MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 168, A bill to be entitled "An Act creating a Special Road Law for DeWitt County, and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act relative to the term of leases on prison lands, and declaring an emergency."

S. B. No. 90, A bill to be entitled "An Act repealing Chapter 21 of the laws of the Forty-fourth Legislature, relative to Lee County Road Law."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### ADJOURNMENT

On motion of Mr. Hull, the House, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: House Bills Nos. 6, 161 and 408; Senate Bill No. 132.

Education: House Bill No. 308.

Game and Fisheries: House Bills Nos. 133, 147, 165, 272, 299, 300, 333, 339, 432 and 444; Senate Bill No. 76.

Judiciary: House Bills Nos. 348 and 387.

Labor: House Bill No. 419.

Military Affairs: House Bill No. 25.

The Committee on Judiciary filed adverse reports on House Bills Nos. 59 and 62

## REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 16, A bill to be entitled "An Act providing that on and after the effective date of this Act, delinquent taxpayers shall be permitted to pay such taxes in partial payments, providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a twenty month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the County Attorney or District Attorney or Criminal District Attorney in counties where there is no County Attorney, against such delinquent taxpayers upon default in making such payments under this Act; providing that no payment shall be received by the Assessor and Collector of Taxes, which payments total less than One (\$1.00) Dollar, and further, that accounts which total less than Ten (\$10.00) Dollars will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued there-

for, providing for credit and apportionment of any amounts paid under this system less than an amount equal to one year's taxes, penalties and interest and the apportionment of such funds; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas, and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred, and further, providing for the transfer of such partial payment account to the new owner; providing for the creation of a special account with the County Treasurer of the respective counties, in which funds collected under this system may be deposited until sufficient amount is collected to pay at least one year's taxes, at which time such amount shall be remitted by the County Treasurer to the Assessor and Collector of Taxes for proportionate distribution in the regular manner as provided by law for the distribution of other moneys, providing that the books, records and accounts maintained by the Assessor and Collector of Taxes for the purpose of carrying out the provisions of this Act shall be subject to examination by the State Comptroller of Public Accounts and also by the County Auditor; providing for the manner by which said provisions would apply to cities, towns and independent school districts, or any political subdivision of the State; prescribing suitable forms, etc., to be used in carrying out the provisions of this Act; providing the provisions of this Act shall not affect any delinquent tax suits filed in courts of competent jurisdiction before the effective date of this Act, unless costs of court are fully paid; providing that if any clause, section, sentence, paragraph or part of this Act shall be held invalid, such invalidity shall not invalidate the remainder; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

# REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 360, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the then latest preceding Federal Census had a population of not fewer than one thousand and fifty (1,050) and not more than one thousand and fifty-five (1,055) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 264, "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 293, "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or

refunding of said indebtedness; providing this Act shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this Act shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 325, "An Act validating all proceedings, notices, and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 324, "An Act validating all proceedings, notices, and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 378, "An Act to amend Article 4494 of the Revised Civil Statutes of Texas, 1925, by adding 4494b to allow Counties of certain

size to lease their county hospitals, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 395, "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen (7,015) and not less than six thousand, six hundred and eighty-five (6,685) inhabitants, according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 77, "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than five cents (5c) on the One Hundred Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement, and development of such counties, and their county seats, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

## SENT TO THE GOVERNOR

February 8, 1939

House Bill No. 360.

House Bill No. 264.

House Bill No. 293.

House Bill No. 325.

House Bill No. 324.

House Bill No. 378.

House Bill No. 395.

House Bill No. 77.

## TWENTY-FIRST DAY

(Thursday, February 9, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

|                   |                    |
|-------------------|--------------------|
| Mr. Speaker       | Davis of Jasper    |
| Allen             | Davis of Upshur    |
| Allison           | Dean               |
| Alsup             | Derden             |
| Anderson          | Dickison           |
| Bailey            | Dickson            |
| Baker             | Donaghey           |
| of Fort Bend      | Dowell             |
| Baker of Grayson  | Dwyer              |
| Bell              | Faulkner           |
| Blankenship       | Felty              |
| Bond              | Ferguson           |
| Boyd              | Fielden            |
| Boyer             | Fuchs              |
| Bradbury          | Galbreath          |
| Bradford          | Gilmer             |
| Bray              | Goodman            |
| Bridgers          | Gordon, Mrs.       |
| Broadfoot         | Hale               |
| Brown of Cherokee | Hamilton           |
| Brown             | Hankamer           |
| of Nacogdoches    | Hardeman           |
| Bundy             | Hardin             |
| Burkett           | Harp               |
| Burney            | Harper             |
| Cauthorn          | Harrell of Bastrop |
| Celaya            | Harrell of Lamar   |
| Chambers          | Harris             |
| Clark             | Hartzog            |
| Cleveland         | Heflin             |
| Cockrell          | Holland            |
| Coleman           | Howington          |
| Colquitt          | Hull               |
| Colson, Mrs.      | Hunt               |
| Cornett           | Isaacks            |
| Corry             | Johnson of Ellis   |
| Crossley          | Johnson of Tarrant |
| Daniel            |                    |